

MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

SENATE.

Wednesday, April 3, 1912.

Senate called to order by the President.

Prayer by Rev. C. D. Boothby of Augusta.

Journal of previous session read and approved.

By unanimous consent, Mr. Boynton of Lincoln, presented the following Act, and upon motion by the same Senator the same was referred to the Committee on Appropriations and Financial Affairs:

An Act to provide for the payment of per diem and mileage of members and officers for expenditures incident to the special session of the 75th Legislature, and for other necessary expenditures of government.

Sent down for concurrence.

On motion by Mr. Allen of Washington, it was

Ordered, The House concurring, that the members of the two branches of the Legislature convene in joint assembly, in the Hall of the House of Representatives, at twelve o'clock meridian, of this third day of April, for the purpose of reading the journal of each House relating to the vote for a senator in Congress from this State, for the unexpired term caused by the death of Senator William P. Frye, which term expires on the 4th day of March, in the year of our Lord, one thousand nine hundred and thirteen, and for such other proceedings in relation to the matter of the election of such senator in Congress, as are required, by the Constitution and Statutes of the United States.

Sent down for concurrence. Subsequently the order was returned from the House, that branch having concurred in the action of the Senate.

On motion by Mr. Hanson of Waldo, it was

Ordered, The House concurring, that the report of the Governor and Council relating to the vote cast at the election September 11th, 1911, upon the question "Shall the constitution be amended so as to abrogate and annul the twenty-sixth amendment adopted on the eighth day of September, in the

year of our Lord one thousand eight hundred and eighty-four, relating to the manufacture and sale of intoxicating liquors?" be printed in full in the Legislative Record.

Sent down for concurrence. Subsequently the order came back from the House, that branch having concurred in the action of the Senate.

The report follows:

STATE OF MAINE.

In Council, Nov. 6, 1911.

The Standing Committee on Election Returns, to which were referred the returns of votes cast at the election held September 11, 1911,

REPORT: That WHEREAS, the official returns of votes cast at said election, upon the question "Shall the constitution be amended so as to abrogate and annul the twenty-sixth amendment adopted on the eighth day of September, in the year of our Lord one thousand eight hundred and eighty-four, relating to the manufacture and sale of intoxicating liquors?" having been carefully examined by the Governor and Council on the eighteenth day of September, 1911, show that sixty thousand four hundred and eighty-seven votes were in favor of annulling said amendment and sixty thousand four hundred and sixty-one votes were opposed to annulling said amendment.

AND WHEREAS, the official returns from the towns of Limestone, Westfield and Athens and the plantation of Matinicus Isle, respectively, show that the votes cast in said towns and plantation were as follows:

IN FAVOR OF ANNULING SAID AMENDMENT.

Limestone,	175
Westfield,	109
Athens,	134
Matinicus Isle,	36
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OPPOSED TO ANNULING SAID AMENDMENT.

Limestone,	12
Westfield,	9
Athens,	39
Matinicus Isle,	2
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AND WHEREAS, the clerks of said towns and plantation have appeared before the Governor and Council and exhibited certain records of the meetings and have testified under oath that said returns are erroneous, and asked that they be amended so that they shall read respectively as follows:

IN FAVOR OF ANNULLING SAID AMENDMENT.

Limestone,	12
Westfield,	9
Athens,	39
Matinicus Isle,	2
	—
	62

OPPOSED TO ANNULLING SAID AMENDMENT.

Limestone,	175
Westfield,	109
Athens,	134
Matinicus Isle,	36
	—
	454

AND WHEREAS, it has been proven to the satisfaction of the Governor and Council that said corrections should properly be made,

THEREFORE, the Committee recommends that said corrections be made and that the result of the vote upon said question be declared as follows:

It appears by the returns as corrected that sixty thousand and ninety-five votes were cast in favor of annulling said amendment, and sixty thousand eight hundred and fifty-three votes opposed to annulling said amendment.

Which is respectfully submitted.

(Signed) G. C. KILGORE,
Chairman.
In Council, Nov. 6, 1911.

Read and accepted by the Council and by the Governor approved.

Attest:
(Signed) CYRUS W. DAVIS,
Secretary of State.

On motion by Mr. Boynton of Lincoln a recess was taken subject to the call of the President.

After Recess.

The report of the joint select committee appointed to consider and report the order of proceedings to be observed upon the hearing proposed by the resolve of the two branches upon the alleged causes of removal of Sheriff Emery of York county came from the House, the report of the committee accepted and the rules adopted.

The report:

To the Senate and House of Representatives:

The joint select committee appointed to consider and report the order of proceedings to be observed upon the hearing proposed by the resolve of the two branches upon the alleged causes of removal in the case of Charles O. Emery, sheriff of the county of York, submit the following rules:

1st. For the purpose of granting a joint hearing, agreeable to a vote of the two branches of the Legislature, they will meet in convention in the hall of the House of Representatives, on Wednesday, April 3, 1912, at 2 o'clock in the afternoon.

2d. The President of the Senate shall preside in the convention, and in the absence of the President of the Senate, the Speaker of the House shall preside.

3d. The State may be heard by counsel and witnesses and the respondent by himself and by counsel and witnesses.

4th. The same rules of evidence shall govern as in the trial of civil actions in the supreme judicial court. All depositions shall be taken forthwith, but no deposition shall be admitted, unless it is shown that the deponent is unable to be present. The presiding officer shall decide all questions of the admissibility of evidence, procedure, practice and pleading, and from his decision there shall be no appeal.

5th. No debate whatever shall be admitted in the convention.

6th. No motion shall be submitted or entertained, except to take a recess, to a time certain, or to dissolve the convention and such motion shall be decided without debate.

7th. No persons shall be admitted to

the floor of the House except members of the convention, counsel, parties, witnesses, reporters for the press and the officers of both branches, except by order of the President of the Senate or the Speaker of the House.

JOHN CLARK SCATES.
HENRY FARRINGTON.
LESLIE BOYNTON.
CARL E. MILLIKEN.
CHARLES M. SLEEPER.
FREDERICK H. STRICKLAND.
IRA G. HERSEY.
HERBERT W. TRAFTON.
PHILIP J. DEERING.
ALTON C. WHEELER.

The report of the committee was accepted and the rules adopted in concurrence.

Mr. Foss of Androscoggin, for the Committee on Appropriations and Financial Affairs, on An Act to provide for the payment of per diem and mileage of members and officers for expenditures incident to the special session of the 75th Legislature, and for other necessary expenditures of government, reported same ought to pass.

The report of the committee was accepted.

Under suspension of the rules the Act was then given its two readings and was passed to be engrossed.

Sent down for concurrence.

A recess was taken subject to the call of the President.

After Recess.

The Senate was called to order by the President at 11.55 o'clock A. M.

Upon motion by Mr. Boynton of Lincoln,

The Senate retired to the Hall of the House of Representatives for the purpose of comparing the journals of the two Houses on the vote for United States Senator.

(For proceedings in joint convention, see House report.)

After the convention the Senate retired to its Chamber.

Upon motion by Mr. Foss of Androscoggin, the Senate adjourned to meet at 1.55 o'clock this afternoon.

Afternoon Session.

Senate called to order by the president.

On motion by Mr. Donigan of Somerset, it was

Ordered, that the Senate retire to the Hall of the House of Representatives for the purpose of forming a convention in the matter of the address for the removal of Charles O. Emery, sheriff of York county.

Thereupon the Senate retired to the Hall of the House of Representatives.

(For proceedings in convention see House report.)

(In convention, after an evening session, a recess was taken until 9 o'clock tomorrow morning.)